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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,311	10/15/2004	Raymond J. Krasinski	PHUS020120US	9498

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EXAMINER

EKPO, NNENNA NGOZI

ART UNIT	PAPER NUMBER
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2623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/511,311	KRASINSKI, RAYMOND J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nnenna N. Ekpo	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/15/2004</u>  | 6) <input type="checkbox"/> Other: ____                           |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The reference listed in the Information Disclosure Statement filed on September 15, 2004 have been considered by the examiner (see attached PTO-1449 form).

### ***Specification***

2. The abstract of the disclosure is objected to because abstract is required to be on a separate sheet. Correction is required. See MPEP § 608.01(b).

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### ***Claim Objections***

3. **Claim 1** is objected to because of the following informalities:

**Claim 1** is objected to because the sentence does not end with a period.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 18-20** are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter.

Regarding **claims 18-20**, the claimed signal embodied in a carrier wave is non-statutory subject matter since it is not a process, machine, manufacture nor composition of matter.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 3-6, 9, 11-14 and 17-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (US Publication Number 2002/0095673) in view of Jagels (US Publication Number 2003/0182429).

Regarding **claim 1**, Leung et al. discloses a device (10) for receiving content (14) comprising (see paragraph 0052, lines 15-17 and fig 2 (16)):

a memory (12) which is configured to store a program (see paragraph 0007, lines 4-6, the memory stores information relating to a television program);

a processor (18) which is configured to read said content (see paragraph 0064, lines 25-30, the microprocessor monitors the channel identification of the content) and v-chip embedded in said content (14) (see paragraph 0053, lines 1-6, the microprocessor monitors the v-chip which has programs to be blocked or unblocked);

wherein said processor (18) is further configured to allow access of said content (14) when said program is substantially identical to said v-chip (see paragraph 0054 and

fig 1, the microprocessor compares the v-chip information with the television program information in order to block or unblock the content to the display screen).

However, Leung et al. fails to specifically disclose descriptor and origin code.

Jagels discloses descriptor (see paragraph 0081 and fig 8, the digital rights management indicates where the device can be re-used) and origin code (see paragraph 0059, identifies the server).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Leung et al.'s invention with the above mentioned limitation as taught by Jagels for the advantage of identifying the source of the content.

Regarding **claim 9**, Leung et al. discloses a method for accessing of content (14) of a device (10) comprising (see paragraph 0052, lines 15-17 and fig 2 (16)):

reading a program embedded in said (10) device (see paragraph 0007, lines 4-8, the microprocessor reads the information relating to a television program);

reading a v-chip embedded in said content (see paragraph 0053, lines 1-6, the microprocessor reads the v-chip which has programs to be blocked or unblocked);

comparing said program with said v-chip (see paragraph 0054 and fig 1, the microprocessor compares the v-chip information with the television program information in order to block or unblock the content to the display screen); and

allowing access of said content (14) when said program and said v-chip are substantially identical (see paragraph 0054 and fig 1, the microprocessor compares the

v-chip information with the television program information in order to block or unblock the content to the display screen).

However, Leung et al. fails to specifically disclose descriptor and origin code.

Jagels discloses descriptor (see paragraph 0081 and fig 8, the digital rights management indicates where the device can be re-used) and origin code (see paragraph 0059, identifies the server).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Leung et al.'s invention with the above mentioned limitation as taught by Jagels for the advantage of identifying the source of the content.

Regarding **claims 3 and 11**, Leung et al. and Jagels discloses everything claimed as applied above (*see claims 1 and 9*). Leung et al. discloses the device (10), wherein usage rules are further embedded in said content (14); said processor (18) being further configured to read said usage rules and determining said access of said content (14) based on said usage rules (see paragraph 0065, the user programs which content is to be blocked and unblocked, the system compares the programs being aired to verify whether content is to be displayed or not).

Regarding **claims 4 and 12**, Leung et al. and Jagels discloses everything claimed as applied above (*see claims 1 and 9*). Leung et al. discloses the device (10), wherein usage rules are embedded in said content (14); said processor (18) being

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configured to obey said usage rules in determining said access of said content (14) (see paragraphs 0053-0055 and fig 1, the system permits a content to be displayed if it meets the criteria stored by the user or denies display of content if criteria stored by the user does not match user request).

Regarding **claims 5 and 13**, Leung et al. and Jagels discloses everything claimed as applied above (see *claims 4 and 12*). Leung et al. discloses the device (10), wherein said usage rules are related to allow said access of said content (14) based on said v-chip and said program (see paragraph 0054, fig 1 (blocks 1, 5 and 4), based on the usage rules set and stored by the user, when the permitted content signal is received, it is compared with the list of programs to verify content is allowed to be viewed and then displayed on the screen).

However, Leung et al. fails to specifically disclose descriptor and origin code.

Jagels discloses descriptor (see paragraph 0081 and fig 8, the digital rights management indicates where the device can be re-used) and origin code (see paragraph 0059, identifies the server).

Regarding **claims 6 and 14**, Leung et al. and Jagels discloses everything claimed as applied above (see *claims 1 and 9*). Leung et al. the device (10), wherein said program includes a v-chip indicative of a region said device (10) is useable, and said v-chip is related to an origin of said content (14) (see paragraphs 0079-0081, the

television programs includes a region code (KABC, KCET) which indicates the origination of the content).

However, Leung et al. fails to specifically disclose descriptor and origin code.

Jagels discloses descriptor (see paragraph 0081 and fig 8, the digital rights management indicates where the device can be re-used) and origin code (see paragraph 0059, identifies the server).

Regarding **claim 17**, Leung et al. and Jagels discloses everything claimed as applied above (*see claim 9*). Leung et al. discloses the method further comprising: storing said program in a memory (12) of said device (10) (see paragraph 0007, lines 4-6, the memory stores information relating to a television program); and

embedding a v-chip in said content (14) (see paragraph 0053, lines 1-6, the v-chip contains programs to be blocked or unblocked).

However, Leung et al. fails to specifically disclose descriptor and origin code.

Jagels discloses descriptor (see paragraph 0081 and fig 8, the digital rights management indicates where the device can be re-used) and origin code (see paragraph 0059, identifies the server).

Regarding **claim 18**, Leung et al. discloses a signal embodied in a carrier wave comprising:

content (14) for access by a device (10) (see paragraph 0007, lines 1-6, the television program is being displayed on a television receiver); and



a content code indicative of an origin of said signal (see paragraph 0053, lines 1-6, the microprocessor monitors the v-chip which has programs to be blocked or unblocked);

wherein said signal is allowed to be accessed when said content code is substantially identical to a device code imbedded in said device (10) (see paragraph 0054 and fig 1, the microprocessor compares the v-chip information with the television program information in order to block or unblock the content to the display screen).

However, Leung et al. fails to specifically disclose a content code indicative of an origin of said signal.

Jagels discloses a content code indicative of an origin of said signal (see paragraph 0059, identifies the server).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Leung et al.'s invention with the above mentioned limitation as taught by Jagels for the advantage of identifying the source of the content.

Regarding **claim 19**, Leung et al. and Jagels discloses everything claimed as applied above (see *claim 18*). Leung et al. the signal, further comprising usage rules, wherein said signal is allowed to be accessed based on usage rules (see paragraph 0054, fig 1 (blocks 1, 5 and 4), based on the usage rules set and stored by the user, when the permitted content signal is received, it is compared with the list of programs to verify content is allowed to be viewed and then displayed on the screen).

7. **Claims 2 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (US Publication Number 2002/0095673) and Jagels (US Publication Number 2003/0182429) as applied to *claims 1 and 9* above, and further in view of McRae (US Patent Number 6,115,079).

Regarding **claims 2 and 10**, Leung et al. and Jagels et al. discloses everything claimed as applied above (*see claims 1 and 9*). Leung et al. discloses the device (10), wherein said processor (18) is further configured to allow at least one of video signals of said content (14) to be displayed onto a screen (20) when said program is substantially identical to said v-chip (see paragraphs 0054 and 0074, when the content is compared and allowed to be viewed, it is displayed on the television screen). Jagels et al. discloses descriptor (see paragraph 0081 and fig 8, the digital rights management indicates where the device can be re-used) and origin code (see paragraph 0059, identifies the server). However, Leung et al. fails to specifically disclose audio signals of said content to be heard on a speaker.

McRae discloses audio signals of said content to be heard on a speaker (see column 6, lines 30-31, audio is heard and magnified through the speaker).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Leung et al.'s invention with the above mentioned limitation as taught by McRae for the advantage of enjoying the sound of the content.

8. **Claims 7-8 and 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al (US Publication Number 2002/0095673) and Jagels (US Publication Number 2003/0182429) as applied to *claims 1 and 9* above, and further in view of Schein et al. (US Patent Number 6,388,714).

Regarding **claims 7 and 15**, Leung et al. and Jagels discloses everything claimed as applied above (*see claims 1 and 9*). Jagels discloses device is useable (*see paragraph 0081*). However, Leung et al. and Jagels fails to specifically disclose the device (10) wherein said descriptor includes a device time zone, and said origin code includes a content time zone indicative of an origin of said content (14).

Schein et al. discloses the device (10) wherein said descriptor (television guide) includes a device time zone, and said origin code (CBS, FOX, HBO and the like) includes a content time zone indicative of an origin of said content (14) (*see column 15, lines 13-30, the descriptor and region code can be accessed from any time zone in the world*).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Leung et al.'s invention with the above mention limitation as taught by Schein et al. for the advantage of configuring the particular time zone in which the user will watch television.

Regarding **claims 8 and 16**, Leung et al. Jagels and Schein et al. discloses everything claimed as applied above (*see claims 7 and 15*). Schein et al. discloses the device (10), wherein said device time zone is obtainable from a timing module (22) of

said device (10) (see fig 3 (72), column 6, lines 61-62 and column 7, lines 16-18, the clock maintains the current time for each time zone).

9. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (US Publication Number 2002/0095673) and Jagels (US Publication Number 2003/0182429) as applied to *claim 18* above, and further in view of Kanda (US Publication Number 2001/0041049).

Regarding **claim 20**, Leung et al. and Jagels discloses everything claimed as applied above (*see claim 18*). However, Leung et al. and Jagels fails to specifically disclose the signal, wherein said content code includes a first time zone of origin of a broadcast of said content (14), said signal being allowed to be accessed by said device (10) when a second time zone included in said device (10) is substantially identical to first time zone.

Kanda discloses the signal, wherein said content code includes a first time zone of origin of a broadcast of said content (14), said signal being allowed to be accessed by said device (10) when a second time zone included in said device (10) is substantially identical to first time zone (see paragraph 0279, when the first and second time codes are identical, access to the video signal is allowed).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Leung et al.'s invention with the above mention limitation as taught by Kanda for the advantage of permitting users in different time zones to view the same content.

***Citation of Pertinent Prior Art***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Deniau et al. (US Publication Number 2002/0029382) teaches controlling access to audio-visual programs on a digital receiver of audio-visual programs.

Yang et al. (US Publication Number 2006/0026627) teaches an apparatus for controlling display of content signals by receiving a content signal that includes video content and at least one associated content control indicator.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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NNE/nne  
November 6, 2007



ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER